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SUITE 423
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OCT 20 2005

OFFICE OF PETITIONS

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|--------------------------------|---|-------------|
| In re Application of | : | |
| Richard, Phelan | : | |
| Application No. 10/759,733 | : | ON PETITION |
| Filed: January 20, 2004 | : | |
| Attorney Docket No. 710P467DIV | : | |

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 6, 2005, to revive the above-identified application.

The petition is **GRANTED**.


The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed April 22, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on June 23, 2004. A Notice of Abandonment was mailed on January 13, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the filing fee and late surcharge; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply has been accepted as having been unintentionally delayed.

Petition submitted \$500.00 towards payment of the filing fee. The filing fee is only \$395.00. Accordingly, the excess \$105.00 will be refunded to petitioner via treasury check in due course.

This matter is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.


Liana Chase
Petitions Examiner
Office of Petitions